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ABSTRACT

This document is a congressional report on the Anti-Drug Education Act of 1990, House of Representatives (H.R.) 5124 which enhances current Federal efforts to prevent and eliminate drug abuse among American youth by expanding and improving drug abuse education, prevention and counseling services, and by providing positive alternative activities to drug use and abuse. It is noted that the bill will also improve security for students and provide incentives for more Americans to choose law enforcement as a career. This report contains a section-by-section summary of the amendment in addition to the enacting clause of the bill. The new text is inserted in italics. These topics are discussed: funding; committee consideration; need for the legislation; major provisions of the bill, including replication of successful drug abuse education programs, support of school-based counseling programs, support of school-based and recreational activities, ensuring the safety of students, and police recruitment; oversight; cost estimate; committee estimate; and inflationary impact statement. Additional dissenting views by William F. Goodling and Thomas E. Petri are included. (ABL)

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101st CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
101-573

ED322429

ANTI-DRUG EDUCATION ACT OF 1990

JULY 6, 1990.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 5124]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 5124) to expand and improve drug abuse education, prevention, and counseling services, to provide for positive alternative activities to drug abuse, to provide for certain activities to ensure student safety, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

SUMMARY

H.R. 5124 enhances current Federal efforts to prevent and eliminate drug abuse among our Nation's youth by expanding and improving drug abuse education, prevention and counseling services and by providing positive alternative activities to drug use and abuse. The bill also improves security for students and provides incentives for more Americans to choose law enforcement as a career.

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39-006

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FUNDING

This bill provides for $15 million in new authorizations.

COMMITTEE CONSIDERATION

During the 101st Congress, staff of the Subcommittee on Elementary and Secondary Education conducted oversight activities on the Drug Free School and Communities Act. Staff oversight visits on the program were conducted in San Diego, California; Raleigh, North Carolina; Denver, Colorado; Harrisburg, Pennsylvania; and Gettysburg, Pennsylvania. Information gained through oversight activities has been incorporated into H.R. 5124. Also, many of the provisions in H.R. 5124 were originally contained in H.R. 4379, the Equity and Excellence in Education Implementation Act of 1990. The Committee conducted a hearing on this legislation on April 3, 1990, and individuals were given an opportunity to testify on the provisions relating to the Drug Free Schools and Communities Act.

The Committee met in mark-up session on H.R. 5124 on June 27, 1990, and unanimously ordered reported the bill by a voice vote.

NEED FOR THE LEGISLATION

The abuse of drugs and alcohol by America's youth continues to be a major problem across the Nation. An unacceptably large number of American students continue to report regular abuse of illicit drugs and alcohol. Government statistics show little progress in combating student use of crack cocaine, a particularly dangerous and addictive substance.

Drug abuse and related criminal activity directly threaten the health and safety of American students. Students who abuse drugs risk serious damage to their health or even death. Students who attend schools in neighborhoods where drugs are used or sold are often exposed to drug-related violence. In many communities, the lack of suitable after-school activities also contributes to the high level of drug abuse and drug-related criminal activity.

The abuse of drugs and alcohol by young Americans is also significantly detracting from educational achievement in the United States and threatening the ability of the United States to compete in the world marketplace. Drug abuse substantially lowers the level of achievement of our students, and is a major contributing factor in the high dropout rate in many communities. The result is that more and more of our young people are not prepared for jobs which require increasingly complex skills.

Drug abuse not only threatens the future of individual children, it also threatens the strength of our Nation as a whole. America is currently facing growing economic challenges from abroad. In order to successfully meet these challenges, it is universally acknowledged that we must improve our Nation's education programs and ensure that our workforce is adequately trained. The elimination of student abuse of alcohol and drugs is prerequisite for accomplishing this extraordinary and important goal. So long as student drug abuse remains a major problem, the ability of our young people to succeed will be hampered, and our Nation's economic future will be threatened.

There is considerable evidence that anti-drug abuse education, prevention, and counseling programs are effective in preventing and eliminating student drug and alcohol abuse. Additional funding is needed to expand such programs at the local level in order to make sure that they are available to students of all ages. Support is also needed for the replication of existing anti-drug education, prevention and counseling programs that have demonstrated success in preventing and eliminating drug and alcohol abuse. Further, there is a need for quality after-school programs that contain an anti-drug component.

We must also ensure the safety of American students by improving security on and near school grounds. In fighting drugs and drug-related crime in and around local schools, better cooperation between law enforcement officials and local education agencies is needed. To the extent possible, local educational agencies should work directly with law enforcement officials to improve security, to fight drug-related crime, and to educate students about the dangers of drug use and the penalties associated with drug-related criminal activity. One effective means of achieving closer cooperation between local educational agencies and law enforcement officials is the establishment of Drug-Free School Zones, with increased penalties for drug-related criminal activities on or near school property.

Our Nation is also in need of additional, qualified law enforcement officers to fight the war against drugs and drug-related crime. In many parts of the Nation, police departments face a severe staffing crisis that has impeded their ability to respond effectively to the war against crime and drugs. If America is to win the war against drugs, we must address this shortage of high-qualified and well-trained law enforcement personnel by providing incentives for students to pursue a career in the law enforcement field.

Major Provisions of the Bill

REPLICATION OF SUCCESSFUL DRUG ABUSE EDUCATION PROGRAMS

H.R. 5124 strengthens current federal efforts to rid our schools of drugs by reserving $5 million of funds appropriated for the Drug-Free Schools and Communities Act (DFSCA) for grants to replicate successful drug abuse education, prevention, and counseling programs. This grant program would be administered by the Secretary of Education. Many anti-drug education and prevention programs are demonstrating considerable effectiveness at the local level. H.R. 5124 provides funding necessary to replicate these programs around the Nation.

SUPPORT OF SCHOOL-BASED DRUG ABUSE COUNSELING PROGRAMS

H.R. 5124 amends Part C of DFSCA, which provides grants for training of school personnel, to emphasize the importance of providing trained anti-drug counselors in the schools. The bill divides the current grant program for training into two grant programs—one for teachers and school personnel, and one for training anti-drug counselors. The overall authorization for Part C grant programs is increased from $35 million to $50 million. The Secretary

will be encouraged to support training for school-based counseling programs which are part of a comprehensive drug and alcohol abuse prevention plan where there is a demonstrated need for counselor training, and qualified applicants have applied for grants In addition, the bill requires local educational agencies to demonstrate how DFSCA funds will be used, to the extent practicable, to provide drug abuse counseling services to children of all ages, including students in elementary schools.

Anti-drug programs which rely on counselors who are trained to deal specifically with the issue of drug and alcohol abuse have demonstrated considerable effectiveness in preventing and eliminating student abuse of drugs and alcohol. In order to make such programs more widely available, additional training for counselors must be provided. In addition, steps must be taken to ensure that anti-drug counseling services are made available to a boarder segment of the student population. By creating a separate grant program for training anti-drug counselors, and by increasing the overall authorization for the training component of the DFSCA, H.R. 5124 will make more trained counselors available to more students, without hampering the ability of State and local educational agencies to provide training to teachers and other school personnel. In addition, the bill calls on each local educational agency to expand anti-drug counseling activities, and to serve all age groups, if it is practical to do so.

SUPPORT OF SCHOOL-BASED AND RECREATIONAL ACTIVITIES

H.R. 5124 amends the DFSCA to allow local educational agencies to use funds for after-school programs, including recreational activities, that are designed to prevent the abuse of drugs and alcohol. Funds would only be made available in cases where a local educational agency determines that it is providing sufficient drug and alcohol abuse education programs during the school day. In addition, such programs must contain an appropriate anti-drug education component. These provisions will help expand the number of after-school activities that provide a productive alternative to drug and alcohol abuse.

ENSURING THE SAFETY OF OUR NATION'S STUDENTS

H.R. 5124 requires local educational agencies to demonstrate how DFSCA funds will be used, to the extent practicable, to coordinate anti-drug activities with local law enforcement officials in order to improve security on school grounds and in the surrounding community. In addition, the bill calls on local educational agencies to cooperate with law enforcement officers, to the extent practicable, to educate students regarding the dangers of drug abuse, the penalties associated with drug use, and the importance of cooperating with law enforcement officials in the fight against drugs. Cooperation with law enforcement officials is essential in order to make our schools safe and drug free.

H.R. 5124 also amends the DFSCA to provide specific criteria for the establishment of Drug-Free School Zones, with increased penalties for drug-related criminal activity on or near school grounds. These criteria are designed to ensure that Federal funds are used

to create Drug-Free School Zones which are of maximum effectiveness in fighting drugs and drug-related crime on or near school grounds.

POLICE RECRUITMENT EDUCATION PROGRAM

H.R. 5124 amends the Perkins Loan Program to permit loan cancellation for college graduates who agree to serve the public by pursuing law enforcement as a career. Under these provisions, the benefits of the existing Perkins loan cancellation program is extened to: students with prior acceptance into Federal, State, or local law enforcement and correctional agencies as sworn officers; and current law enforcement and correctional personnel seeking associate, bachelors or graduate degrees. These provisions, which have been endorsed by several major police organizations, will act as an incentive for students to enter the law enforcement field, thereby expanding the availability of well-trained law enforcement personnel and contributing significantly to the war against drugs and drug-related crime.

OVERSIGHT

No findings or recommendations concerning oversight of the programs amended in this bill have been received by this Committee from the Committee on Government Operations. Findings from the Subcommittee's and the full Committee's oversight hearings contributed to consideration of this legislation.

COST ESTIMATE

The Congressional Budget Office has estimated the following costs to the Federal government in implementing this legislation. The Committee concurs in these estimates and adopts them in compliance with clause VII of Rule 13. No cost estimates have been received from any other Federal department or agency.

The CBO letter follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 5, 1990.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 5124, a bill to promote drug and alcohol abuse education and prevention, as ordered reported by the House Committee on Education and Labor on June 27, 1990.

If you wish further details on this cost estimate we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill Number: H.R. 5124

2. Bill Title: Anti-Drug Education Act of 1990.

3. Bill Status: As ordered reported by the House Committee on Education and Labor on June 27, 1990.

4. Bill Purpose: This bill amends the Higher Education Act of 1965 and the Drug-Free Schools and Communities Act of 1986 to promote drug and alcohol abuse education and prevention.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995
Authorizations:					
Personnel Training Grants:					
Authorization Level	15	15	15		
Estimated Outlays	2	12	15	13	3
Perkins Loan Cancellation Program:					
Authorization Level		1	2	6	8
Estimated Outlays		1	2	6	8
Bill Total:					
Authorization Level	15	16	17	6	8
Estimated Outlays	2	13	17	19	11

The cost of this bill falls in Function 500.

Basis of Estimate: H.R. 5124 amends the Drug-Free Schools and Communities Act of 1986 to increase current authorization levels from $35 million to $50 million. The increased cost of $15 million for each of the years 1991–1993 is shown in the table. This bill also amends the Higher Education Act of 1965 to exempt full-time law enforcement officers from repayment of their Perkins Loans. It is estimated that four percent of all new law enforcement officers have loans, and we assumed that they would join the loan cancellation program over a three year period. The legislation states that the rate of cancellation of the loans of the new officers will be 15 percent in the first two years, 20 percent in the third and fourth years, and 30 percent in the fifth year. Based on historical data, we also assumed that some officers will leave the force before five years and, therefore, their loans would be only partially cancelled. Estimated outlays assume full appropriation of authorized levels and reflect current spending patterns.

6. Estimated cost to State and local government: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Kalcevic.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Committee Estimate

With reference to the statement required by clause 7(a)(1) of Rule XII of the Rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(l)(4) of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 5124 will have little inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

SECTION-BY-SECTION SUMMARY

Section 1

Cites the short title as the "Anti-Drug Education Act of 1990"

Section 2

Gives the findings and statement of responsibility. The Congress finds that student abuse of drugs and alcohol continues to be a major problem that threatens the safety of children and impedes their ability to succeed. More federal efforts are urgently needed in the areas of drug and alcohol abuse and education and prevention.

It is the responsibility of the Federal Government to prevent and reduce student abuse of alcohol and illicit drugs by expanding and improving anti-drug education, prevention and counseling services, and by providing students with positive alternative activities after school. In addition, the Federal Government must help ensure the safety of students on or near school grounds by expanding cooperative efforts with local law enforcement officials and establishing Drug-Free School Zones.

Section 3

Amends the Perkins Loan Program to allow loan cancellation for college graduates who pursue law enforcement as a career.

Section 4

Amends the Drug Free Schools and Communities Act (DFSCA) to strengthen the provisions regarding drug-free school zones by providing criteria for the establishment of drug-free school zones.

Section 5

Amends DFSCA to require the Secretary to reserve $5 million of appropriated funds for grants to replicate successful drug abuse education, prevention, or counseling programs.

Section 6

Amends DFSCA to allow local educational agencies (LEAs) to use funds for after-school programs that are designed to prevent the abuse of drugs and alcohol. Funds can only be devoted to this purpose when sufficient anti-drug education programs are in place during the school day.

Section 7

Amends Part C of DFSCA to divide the current grant program for training into two grant programs—one for teachers and school personnel, and one for training anti-drug abuse counselors in the

schools. The overall authorization for Part C training programs would be raised from $35 million to $50 million. Both programs would be funded by the same authorization. The Secretary would be instructed to give priority to funding a substantial number of qualified grants under the grant program for training counselors.

Section 8

Amends the local application section of DFSCA to require LEAs to demonstrate how funds will be used, to the extent practicable, to provide drug abuse counseling services to children of all ages, including students in elementary schools. Also requires LEAs to demonstrate how funds will be used, to the extent practicable, to coordinate anti-drug activities with local law enforcement agencies in order to improve security.

Section 9

Amends DFSCA to require that programs funded under Act be clearly identified as such.

Section 10

Contains technical amendments to DFSCA.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 465 OF THE HIGHER EDUCATION ACT OF 1965

CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

SEC. 465. (a) CANCELLATION OF PERCENTAGE OF DEBT BASED ON YEARS OF QUALIFYING SERVICE.— * * *

(2) Loans shall be canceled under paragraph (1) for service—

(A) * * *

* * * * * * *

(D) as a member of the Armed Forces of the United States, for services that qualifies for special pay under section 310 of title 37, United States Code, as an area of hostilities; [or];

(E) as a volunteer under the Peace Corps Act or a volunteer under the Domestic Volunteer Service Act of 1973.

For the purpose of this paragraph, the term "handicapped children" has the meaning set forth in section 602(1) of the Education of the Handicapped Act[.]; *or*

(F) as a full-time law enforcement officer for service to local, State, or Federal law enforcement agencies.

(3)(A) The percent of a loan which shall be canceled under paragraph (1) of this subsection is—

(i) in the case of service described in subparagraph [(A) or (C)] *(A), (C), or (F)* of paragraph (2), at the rate of 15 percent for the first or second year of such service, 20 percent for the

third or fourth year of such service, and 30 percent for the fifth year of such service;

* * * * * * *

DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986

TITLE V—DRUG EDUCATION

* * * * * * *

PART A—FINANCIAL ASSISTANCE FOR DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS

SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.

(a)(1) * * *

(2)(A) Except as provided in subparagraph (B), there are authorized to be appropriated for purposes of carrying out part C and section 5136 $16,000,000 for fiscal year 1989, $20,000,000 for the fiscal year 1990, and [$35,000,000] *$50,000,000* for each of the fiscal years 1991, 1992, and 1993.

* * * * * * *

SEC. 5112. RESERVATIONS AND STATE ALLOTMENTS.

(a) RESERVATIONS.—Except as provided in subsection (c), *from* the sums appropriated or otherwise made available to carry out this title for any fiscal year, the Secretary shall reserve—

(1) * * *

* * * * * * *

(5) 3.5 percent for Federal activities under section 5132; [and]

(6) 4.5 percent for regional centers under section 5135[.]; *and*

(7) $5,000,000 for grants under section 5138.

* * * * * * *

PART B—STATE AND LOCAL PROGRAMS

* * * * * * *

SEC. 5122. STATE PROGRAMS.

(a) IN GENERAL.—Not more than 50 percent of the funds available for each fiscal year under section 5121(a) to the chief executive officer of a State shall be used for grants to and contracts with parent groups, community action agencies, community-based organizations, and other public entities and private nonprofit entities for the development and implementation of programs and activities such as—

(1) * * *

* * * * * * *

(8) to promote, establish, and maintain drug-free school zones for schools within the State[.], *which shall include—*

(A) the determination, with the assistance of municipal authorities and local law enforcement agencies, as appropriate, of the geographical boundaries of schools within the State and the posting of signs identifying school properties as drug-free school zones;

(B) drug-abuse education and prevention programs and enforcement policies designed to eliminate the illicit use of alcohol and drugs in such zones;

(C) assisting teachers, administrators, athletic directors, and other school personnel in cooperating fully with law enforcement officials to punish violations of laws relating to illegal drugs;

(D) informing the community—

(i) of the content and intent of laws relating to school safety and laws relating to illegal drugs as they affect schoolchildren; and

(ii) of the perimeters of the drug-free school zones;

(E) employing the services of the local or substate regional advisory council on drug abuse education and prevention established or designated by the local application submitted under section 5126(a) as a resource for advice and support with respect to implementation of such zones; and

(F) communication to students, teachers, athletic directors, and other school personnel by administrators that activities that are illicit and harmful to the health and well-being of the students will not be tolerated within schools and their surrounding environments.

* * * * * * *

SEC. 5124. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES.

(a) GRANTS TO LOCAL AND INTERMEDIATE EDUCATIONAL AGENCIES.—(1) * * *

* * * * * * *

(4)(A) * * *

(B) In any fiscal year, a local educational agency, intermediate educational agency, or consortium may retain for obligation in the succeeding fiscal year—

(i) an amount equal to not more than 25 percent of the allocation it receives under this section for such fiscal year; or

(ii) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency[.].

* * * * * * *

SEC. 5125. LOCAL DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS.

(a) IN GENERAL.—Any amounts made available to local or intermediate educational agencies or consortia under section 5124(a) shall be used for drug and alcohol abuse prevention and education programs and activities, including—

(1) * * *

* * * * * * *

[(13)] *(14)* special programs and activities to prevent drug and alcohol abuse among student athletes, involving their parents and family in such drug and alcohol abuse prevention efforts and using athletic programs and personnel in preventing drug and alcohol abuse among all students; [and]

(15) in the case of a local educational agency that determines that it provides sufficient drug and alcohol abuse education during regular schools hours, after-school programs that provide drug and alcohol abuse education for school-aged children, including children who are unsupervised after school, and that may include school-sponsored sports, recreational, education, or instructional activities; and

[(14)] *(16)* other programs of drug and alcohol abuse education and prevention, consistent with the purposes of this part.

* * * * * * *

SEC. 5126. LOCAL APPLICATIONS.

(a) IN GENERAL.—(1) * * *

(2) An application under this section shall be for a period not to exceed 3 fiscal years and may be amended annually as may be necessary to reflect changes without filing a new application. Such application shall—

(A) * * *

* * * * * * *

(N) describe how, to the extent practicable, assistance provided under the grant will be used to provide drug abuse counseling services to children of all ages, including students in the elementary schools;

(O) describe how, to the extent practicable, activities assisted under the grant will be coordinated with local law enforcement agencies in order to improve security on school grounds and in the surrounding community and to educate students about—

(i) the dangers of drug use and drug-related violence;

(ii) the penalties for possession of or trafficking in illegal drugs;

(iii) techniques for resisting drug abuse; and

(iv) the importance of cooperating with law enforcement officials in eliminating drug abuse and identifying individuals who supply drugs to students;

[(N)] *(P)* describe the training that will be provided for teachers and other personnel who are involved in the implementation of programs to be carried out by the applicant under this part; and

[(O)] *(Q)* include such other information and assurances as the State educational agency reasonably determined to be necessary.

* * * * * * *

PART C—TRAINING OF TEACHERS, COUNSELORS, AND SCHOOL PERSONNEL

[SEC. 5128. PROGRAM AND ALLOCATIONS.

[(a) IN GENERAL.—From amounts appropriated pursuant to the authorization contained in section 5111(a)(2), the Secretary shall make grants to State educational agencies, local educational agencies, and institutions of higher education for teacher training programs in accordance with this part.

[(b) USE OF FUNDS.—Amounts made available under this part shall be used to establish, expand, or enhance programs and activities for the training of teachers, administrators, guidance counselors, and other school personnel concerning drug and alcohol abuse education and prevention. Such programs shall be coordinated through the State agency for higher education or State educational agency, as appropriate, and, shall be coordinated, as appropriate, with the activities of the regional centers established under section 5135.

[(c) APPLICATIONS.—(1) In order to be eligible to receive a grant under this section for any fiscal year, a State educational agency, a local or intermediate educational agency, an institution of higher education, or consortium thereof, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

[(2) Each such application shall—

[(A) set forth the activities and programs to be carried out with funds paid under this part;

[(B) contain an estimate of the cost for the establishment and operation of such programs;

[(C) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purpose described in this part, and in no case to supplant such funds;

[(D) provide assurances of compliance with the provisions of this part; and

[(E) include such other information and assurances as the Secretary reasonably determines to be necessary.]

PART C—TRAINING OF TEACHERS, COUNSELORS, AND SCHOOL PERSONNEL

SEC. 5128. GRANTS FOR TRAINING OF TEACHERS.

(a) IN GENERAL.—From amounts appropriated pursuant to the authorization contained in section 5111(a)(2), the Secretary shall make grants to State educational agencies, local educational agencies, and institutions of higher education for teacher training programs in accordance with this section.

(b) USE OF FUNDS.—Amounts made available under grants under this section shall be used to establish, expand, or enhance programs and activities for the training of elementary and secondary school teachers and administrators, and other elementary and secondary

school personnel concerning drug and alcohol abuse education and prevention.

SEC. 5129. GRANTS FOR TRAINING OF COUNSELORS.

(a) IN GENERAL.—

(1) From amounts appropriated pursuant to the authorization contained in section 5111(a)(2), the Secretary shall give priority to making a substantial number of grants to qualified State educational agencies, local educational agencies, and institutions of higher education for programs to train counselors, social workers, psychologists, or nurses in accordance with this section.

(2) The Secretary may also make a grant under this part to any private nonprofit agency that has an agreement with a local educational agency to provide training in drug abuse counseling for individuals who will provide such counseling in the schools of such local educational agency.

(b) USE OF FUNDS.—Amounts made available under grants under this section shall be used to establish, expand, or enhance programs and activities for the training of counselors, social workers, psychologists, or nurses who are providing or will provide drug abuse prevention, counseling, or referral services in elementary and secondary schools.

SEC. 5130. APPLICATIONS.

(a) IN GENERAL.—Any State or local educational agency, institution of higher education, or consortium of such agencies or institutions that desires to receive a grant under this part in any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application submitted under this section shall—

(1) set forth the activities and programs to be carried out with funds paid under this part;

(2) contain an estimate of the cost for the establishment and operation of such activities and programs;

(3) provide assurances that the Federal funds made available under this section shall be used to supplement, and, to the extent practical, to increase the level of funds that would in the absence of such Federal funds, be made available by the applicant for the purpose described in this part, and in no case to supplant such funds;

(4) provide assurances of compliance with this part;

(5) in the case of a grant under section 5129, contain a discussion of how the training to be assisted under the grant will assist the applicant to—

(A) increase the number of school personnel who are trained to provide drug abuse counseling services; and

(B) improve the quality of drug abuse counseling services offered by the applicant or the local educational agency concerned; and

(6) include such other information and assurances as the Secretary reasonably determines to be necessary.

PART D—NATIONAL PROGRAMS

* * * * * * *

SEC. 5132. FEDERAL ACTIVITIES.

(a) USE OF RESERVED FUNDS.—From sums reserved by the Secretary under section 5112(a)(5), the Secretary shall carry out the purposes of this section.

(b) FEDERAL DRUG ABUSE EDUCATION AND PREVENTION ACTIVITIES.—The Secretary of Education in conjunction with the Secretary of Health and Human Services shall carry out Federal education and prevention activities on drug abuse. The Secretary shall coordinate such drug abuse education and prevention activities with other appropriate Federal activities related to drug abuse. The Secretary shall directly or through grants, cooperative agreements, or contracts—

(1) * * *

* * * * * * *

(5) identify research and development priorities with regard to school-based drug abuse education and prevention, particularly age-appropriate programs focusing on kindergarten through grade 4; **[**and**]**

* * * * * * *

[SEC. 5136 EMERGENCY GRANTS.**]** *SEC. 5136. EMERGENCY GRANTS.*

* * * * * * *

SEC. 5137. DRUG-FREE SCHOOL ZONES DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM FOR DRUG-FREE SCHOOL ZONES.—The Secretary of Education is authorized to establish a demonstration program to establish and maintain drug-free school zones *as described in section 5122(a)(8).* In carrying out the demonstration program under this section, the Secretary shall make grants to local educational agencies, intermediate educational agencies, and consortia.

* * * * * * *

SEC. 5138. PROGRAMS OF DRUG ABUSE EDUCATION, PREVENTION, OR COUNSELING.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to local educational agencies or consortia of local educational agencies and private nonprofit entities to provide drug abuse education, prevention, or counseling services to students in kindergarten through grade 12.

(b) ELIGIBILITY.—A local educational agency or consortium described in sebsection (a) shall not be eligible for a grant under this section unless such agency or consortium agrees—

(1) to use assistance provided under such grant to provide or arrange for the provision of programs offering drug abuse education, prevention, or counseling to students of compulsory school age, including—

(A) programs to provide drug abuse counseling in the schools by trained personnel;

(B) programs that stress the use of peers to combat student abuse of drugs and alcohol;

(C) programs that stress parental involvement in combating student abuse of drugs and alcohol; and

(D) other appropriate programs;

(2) that programs provided with assistance under the grant shall be disigned to prevent or eliminate student abuse of drugs or alcohol;

(3) to use assistance provided under the grant to expand or replicate a program that had a demonstrated record of success at either the State or local level in preventing or eliminating student abuse of drugs or alcohol; and

(4) to ensure that the program to be expanded or replicated is appropriate for the students to be served, based on an assessment of their most important needs.

(c) APPLICATION.—A local educational agency or consortium described in subsection (a) that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information and assurances as the Secretary may reasonably require. Each such application shall contain—

(1) a discussion of why the particular program to be assisted under the grant is appropriate for and responds to the particular needs of the students to be served;

(2) a complete description of the success of the program to be assisted under the grant in reducing or eliminating drug or alcohol abuse among students of compulsory school age;

(3) an assurance that the consortium concerned will provide assistance, in cash or in kind, for the program assisted under the grant in an amount equal to not less than 10 percent of the amount provided under the grant; and

(4) an assurance that funds received under the grant shall be used to supplement, nor supplant, the amount of other Federal, State, and local funds expended for support of programs of the type described in subsection (b).

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PART G—MISCELLANEOUS PROVISIONS

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SEC. 5193. IDENTIFICATION OF FEDERALLY-ASSISTED PROGRAMS.

Every local recipient of funds under this title shall, in any publication or public announcement, clearly identify any program assisted under this title as a Federal program funded under the Drug-Free Schools and Communities Act of 1986.

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENTS OF 1989

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SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 5111(a) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3181(a)) is amended—

(1) in paragraph **[**(1)**]** *(2)*—

(A) in subparagraph (A)—

(i) by inserting after "part C" the following: "and section 5136"; and

(ii) by striking "and $20,000,000" and all that follows and inserting the following: "$20,000,000 for the fiscal year 1990, and $35,000,000 for each of the fiscal years 1991, 1992, and 1993."; and

(B) in subparagraph (B), by striking "$230,000,000" and inserting "$215,000,000"; and

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SEC. 7. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES.

Section 5124 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3194) is amended—

(1) * * *

(2) in subsection (b)—

(A) in paragraph (2), by inserting after "materials" *the first place it appears* the following: "that clearly and consistently teach that illicit drug use is harmful"; and

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SEC. 18. NATIONAL DIFFUSION NETWORK.

Part [D] *(E)* of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3221 et seq.) is amended by adding at the end the following new section:

SEC. 5146. DISSEMINATION OF INFORMATION AND TECHNICAL ASSISTANCE.

"(a) DISSEMINATION OF INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary, through the National Diffusion Network established under section 1562, shall disseminate information and technical assistance with respect to drug abuse education and prevention programs of demonstrated effectiveness.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $500,000 for fiscal year 1991.".

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SEC. 22. DRUG-FREE SCHOOLS AND CAMPUSES.

(a) * * *

(b) AMENDMENTS TO DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986—

(1) IN GENERAL.—Part [D] *(E)* of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3171 et seq.) is amended by adding after section 5144 the following new section:

"SEC. 5145. CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS.

"(a) IN GENERAL.—Notwithstanding any other provision of law other than section 432 of the General Education Provisions Act and section 103(b) of the Department of Education Organization Act, no local educational agency shall be eligible to receive funds or any other form of financial assistance under any Federal program unless it certifies to the State educational agency that it has adopt-

ed and has implemented a program to prevent the use of illicit drugs and alcohol by students or employees that at a minimum, includes—

"(1) age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for students in all grades of the schools operated or served by the applicant, from early childhood level through grade 12;

"(2) conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

"(3) standards of conduct that are applicable to students and employees in all the applicant's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities;

"(4) a clear statement that sanctions (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by paragraph (3) and a description of those sanctions;

"(5) information about any available drug and alcohol counseling and rehabilitation and re-entry programs that are available to students and employees;

"(6) a requirement that parents, students, and employees be given a copy of the standards of conduct required by paragraph (3) and the statement of sanctions required by paragraph (4);

"(7) notifying parents, students, and employees that compliance with the standards of conduct required by paragraph (3) is mandatory; and

"(8) a biennial review by the applicant of its program to—

"(A) determine its effectiveness and implement changes to the program if they are needed; and

"(B) ensure that the sanctions required by paragraph (4) are consistently enforced.

"(b) DISSEMINATION OF INFORMATION.—Each local educational agency that provides the certification required by subsection (a) shall, upon request, make available to the Secretary, the State educational agency, and to the public full information about the elements of its program required by subsection (a), including the results of its biennial review.

"(c) CERTIFICATION TO SECRETARY.—Each State educational agency shall certify to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by its students and employees that is consistent with the program required by subsection (a) of this section. The State educational agency shall, upon request, make available to the Secretary and to the public full information about the elements of its program.

"(d) REGULATIONS.—(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

"(A) the periodic review by State educational agencies of a representative sample of programs required by subsection (a); and

"(B) a range of reponses and sanctions for local educational agencies that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

"(2) The sanctions required by subsection (a)(1)(4) may include the completion of an appropriate rehabilitation program.

"(e) Upon a determination by the Secretary to terminate financial assistance to any local educational agency under this section, the agency may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such agency is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the agency concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.".

(2) CONFORMING AMENDMENTS.—Paragraph (2) of section [5126(e)] *5126(a)* of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3196(c)) (as amended by section 9 of this Act) is amended—

(A) by striking subparagraphs (E), (F), and (G); and

(B) by redesignating subparagraphs (H) through (R) as subparagraphs (E) through (O), respectively.

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ADDITIONAL VIEWS ON H.R. 5124, ANTI-DRUG EDUCATION ACT OF 1990

Although we share the commitment of our colleagues to providing strong federal leadership in the area of drug and alcohol abuse education, H.R. 5124 contains several provisions with which we have some concerns. These concerns are addressed more to a broader question of the cumulative effect of federal legislation in the field of education, both at the elementary/secondary and postsecondary levels, than to criticism specific to the substance of H.R. 5124.

For example, in section 3, H.R. 5124 provides for cancellation of student loans for service as a full-time law enforcement officer for a local, State or Federal law enforcement agency. Currently, the Higher Education Act provides loan cancellation for teachers in schools receiving assistance under chapter 1, for staff members in a preschool program carried on under the Head Start Act, for teachers of handicapped children, for certain members of the Armed Forces of the United States, and for volunteers under the Peace Corps Act or the Domestic Volunteer Service Act. Another bill that will be considered by this Committee, H.R. 4330, will extend the loan cancellation provisions in the Higher Education Act for volunteer service generally, for employees engaged in drug counseling and treatment, and for volunteers providing Indian health services. While a choice to enage in each of these occupations is certainly laudable, there are many other occupations not included on this list which are similarly praiseworthy.

The cumulative fiscal impact of the various provisions for loan cancellation and deferral is troublesome. The budgetary constrains facing the Federal government and the unfairness of forgiving the obligations of selected recipients of student financial assistance led us to support an amendment to delete section 3 of H.R. 5124. Although this amendment was rejected on a voice vote, we hope that these factors will be considered if there is any further action on this bill.

We have a similar concern about the reservation of funds under the Drug-Free Schools and Communities Act for grants for replication of successful drug abuse education programs. The Drug-Free Schools Act currently contains reservations for payments to Federal territories, for programs for Indian youth, for programs for Hawaiian natives, for programs with institutions of higher education, for Federal activities, and for regional centers. There reservations all target money toward general categories of groups to be served by the Act or to provide service under the Act while leaving it to the discretion of the responsible officials to determine the best uses of the funds.

The provision in H.R. 5124 would allow a reservation of funds off-the-top of the Drug-Free Schools Act appropriation for a rela-

tively specific type of program. Our concern about this type of provision is heightened because on the same day we reported H.R. 5124, we also reported H.R. 5064 which contains a similar reservation for an even more specific type of program, namely the Drug Abuse Resistance Education program (DARE). We are troubled that such specific reservations both divert funds from the local education agency and unnecessarily tie the hands of the Secretary and State and local officials to determine how the needs of youth will best be served and to develop a comprehensive and flexible plan to provide drug and alcohol abuse education.

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